



JH

Docket No.: IRD-0011
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mitsunori Miki

Application No.: 10/567,081

Confirmation No.: 2325

Filed: February 3, 2006

Art Unit: 2821

For: LIGHTING CONTROL SYSTEM AND
CONTROL SYSTEM

Examiner: T. X. Le

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the Restriction Requirement dated January 5, 2009, Applicant hereby provisionally elects, with traverse, Species 2, encompassing claims 3-27, for continued examination.

This application is a National Phase of a PCT application under 35 U.S.C. § 371, and is not an application filed under 35 USC § 111(a). MPEP § 1893.03(d) points out that with respect to national stage applications filed under 35 USC § 371, restriction practice under 35 USC § 121 is inapplicable. Rather, Unity of Invention practice under PCT Rule 13 and 37 CFR § 1.475 applies. Accordingly, Restriction Requirements are governed under the Unity of Invention standards, and the Examiner must clearly specify why the claims directed to different groups of inventions lack a common special technical feature. Namely, Unity of Invention exists when claims are directed to a common special technical feature. MPEP §1850III states that an international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (PCT Rule 13.1). Further, MPEP §1850III states that “**although lack of**

unity of invention should certainly be raised in clear cases, it should neither be raised nor maintained on the basis of a narrow, literal or academic approach.” (Emphasis added.)

All claims 1-49 have a technical relationship among the inventions that involves at least one common or corresponding special technical feature. Therefore, withdrawal of this restriction is respectfully requested.

Please note that Applicant reserves the right to file divisional applications covering the subject matter of the non-elected species. Applicant also reserves the right to rejoin any applicable non-elected species.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. IRD-0011 from which the undersigned is authorized to draw.

Dated: February 4, 2009

Respectfully submitted,

By 
Maulin M. Patel

Registration No.: 56,029
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 23353
Attorney for Applicant